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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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| DAVID SANCHEZ DOMINGUEZ, | Case No. 3:17-cv-00053-HDM-WGC |
| Petitioner, | ORDER |
| v. | |
| RENEE BAKER, et al., | |
| Respondents. | |

Petitioner David Sanchez Dominguez has submitted a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. His application to proceed *in forma pauperis* (ECF No. 1) shall be granted. The court has reviewed the petition pursuant to Habeas Rule 4, and it shall be docketed and served on respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. See 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

Petitioner has also submitted a motion for appointment of counsel (ECF No. 1-2). There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999

1 F.2d 425, 428 (9th Cir.1993). The decision to appoint counsel is generally
2 discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986), cert. denied, 481
3 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469
4 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case
5 are such that denial of counsel would amount to a denial of due process, and where the
6 petitioner is a person of such limited education as to be incapable of fairly presenting his
7 claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th
8 Cir.1970). Here, Dominguez is serving a sentence of life without the possibility of
9 parole, and the legal issues he wishes to raise may be complex. Therefore,
10 Dominguez's motion for counsel shall be granted.

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12 **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma*
13 *pauperis* (ECF No. 1) is **GRANTED**.

14
15 **IT IS FURTHER ORDERED** that the Clerk **shall file and ELECTRONICALLY**
16 **SERVE** the petition (ECF No. 1-1) on the respondents.

17 **IT IS FURTHER ORDERED** that the Clerk shall add Adam Paul Laxalt, Nevada
18 Attorney General, as counsel for respondents.

19 **IT IS FURTHER ORDERED** that the Clerk shall detach petitioner's motion for
20 appointment of counsel (ECF No. 1-3).

21
22 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel is
23 **GRANTED**.

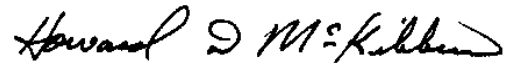
24 **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of
25 Nevada (FPD) is appointed to represent petitioner.

26 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the
27 FPD a copy of this order, together with a copy of the petition for writ of habeas corpus
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1 (ECF No. 1-1). The FPD shall have thirty (30) days from the date of entry of this order
2 to file a notice of appearance or to indicate to the court its inability to represent
3 petitioner in these proceedings.
4

5 **IT IS FURTHER ORDERED** that after counsel has appeared for petitioner in this
6 case, the court will issue a scheduling order, which will, among other things, set a
7 deadline for the filing of an amended petition.

8 DATED: April 10, 2017.

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HOWARD D. MCKIBBEN
UNITED STATES DISTRICT JUDGE
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